

REMARKS

Claims 1-40 have been canceled and claims 41-111 have been added in the present amendment. In summary of the outstanding Office Action, claims 1-17, 21-38 and 40 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent Application Publication No. 2004/0054630 A1 (Ginter et al.). Claims 18, 19, 20 and 39 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Ginter et al., in view of U.S. Patent Application Publication No. 2004/0054630 (Yuen et al.) as applied to claim 18 and further in view of U.S. Patent Application Publication No. 2002/0100043 (Lowthert).

Reconsideration of the outstanding rejections to the claims is respectfully requested in view of the present amendments and following remarks.

Rejections under 35 USC § 102(e)

Claims 1-17, 21-38 and 40 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Ginter et al.

Regarding claims 1-17, 21-38 and 40, claims 1-40 have been canceled without prejudice.

With respect to elements that newly added claim 41 may arguably share in common with rejected claim 2, the Office Action contends that Ginter et al. teaches that “upon playback of a movie at the end user site, information is communicated from the user site to a clearinghouse (system operator) that identifies the content being played along with information identifying the content owner and responsible distributing parties” (emphasis added). The Office Action relies on Ginter et al. disclosing a logical object structure having a “header that identifies the object and may also identify...one or more distributors of the object” (page 73, paragraph 989). However, according to Ginter et al., this header is of a logical object structure which supports digital content delivery and may, for example, be sent with the content to the user site (see page 72, paragraph 983). This is opposed to that which appears in newly added claim 41, wherein the distributor and content identification is received from the remote viewing location. Thus, for the reasons above and others, Applicants submit that all the limitations of newly added claim 42 are not taught or suggested by Ginter et al.

Regarding claims 42-111, with respect to the element relating to content and distribution agent identification information being received from the remote viewing location that they may share in common with rejected claim 2, all the limitations of claims 42-111 are not taught or suggested by Ginter et al. or any other references cited by the Office Action for the same reasons presented above. Therefore, Applicants submit that added claims 42-111 of the application are in condition for allowance.

Rejections under 35 USC § 103(a)

Claims 18, 19, 20 and 39 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Ginter et al., in view of U.S. Patent Application Publication No. 2004/0054630 (Yuen et al.) as applied to claim 18 and further in view of U.S. Patent Application Publication No. 2002/0100043 (Lowthert).

Claims 18, 19, 20 and 39 have been canceled without prejudice. Applicants submit that all the limitations of claims 18, 19, 20 and 39 and of newly added claims 41-111 are not taught or suggested by Ginter, Yuen et al., Lowthert or any combination thereof.

Applicants would also like to note that the present application is related to U.S. Patent Application No. 09/781,680 also filed on February 12, 2001 to which Examiner is also assigned and wherein Examiner has cited U.S. Patent No. 5,619,247 (Russo), International Publication No. WO 01/54410 A2 (Braitberg), U.S. Patent Application Publication No. 2004/0083492 (Goode et al.), and U.S. Patent No. 6,438,751 (Voyticky).

CONCLUSION

Applicants believe that the present reply is responsive to each point raised by the Examiner in the Office Action and Applicant submits that claims 41-111 of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the Examiner's earliest convenience is earnestly solicited. However, should the Examiner find the claims as presented herein to not be allowable for any reason, Applicants' undersigned representative earnestly requests a telephone conference at (206) 332-1392 with both the Examiner and the Examiner's Supervisor to discuss the basis for the Examiner's continued

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rejection in light of the Applicant's arguments presented herein. Likewise, should the Examiner have any questions, comments, or suggestions that would expedite the prosecution of the present case to allowance, Applicants' undersigned representative would very much appreciate a telephone conference to discuss these issues.

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